

Remarks

I. Status of Claims

Claims 1-16 are pending in the application. By this amendment, claims 1 and 6-9 are amended, claim 5 is canceled without prejudice to or disclaimer of the subject matter therein. Claims 15-16 are withdrawn from consideration.

Claims 1-12 and 14 stand rejected under 35 USC 102(e) as allegedly being anticipated by Inoue et al. (US 2001/0044042 A1) (hereinafter, “Inoue ‘042”).

Claims 1-6, 8-11 and 14 stand rejected under 35 USC 102(e) as allegedly being anticipated by Suenaga et al. (US 2002/0051902 A1) (hereinafter, “Suenaga”).

Claims 1-6, 8-11, 13 and 14 stand rejected under 35 USC 102(e) as allegedly being anticipated by Inoue et al. (US 6,872,485) (hereinafter, “Inoue ‘485”).

II. Pending Claims

Claim 1, the only independent claim under consideration, stands rejected under 35 USC 102(e) as allegedly being anticipated by Inoue ‘042, Suenaga, and Inoue ‘485.

The Applicants respectfully submit that claim 1 is at least patentable over the cited references because it recites “a sealant which is made of a material which maintains an initial material state even under an environment where the fuel cell unit is used” and “a spacing portion which keeps a constant distance between portions of the two components where the sealant is interposed.”

In the present application, the sealant 32 is interposed between two separators 18. A spacing portion 34 is formed on at least one of the separators 18. The spacing portion 34 maintains a constant distance between the two separators 18. For example, a constant distance between portions of the respective separators 18 where the sealant 32 is applied. With this arrangement, when a load is applied to clamp the stack body, the spacing portion 34 receives the load, instead of the sealant 32. As a result, the thickness of the sealant 32 does not change due to the load. See ¶ 54 of the application as published.

Accordingly, claim 1 specifically recites a sealant which is made of a material which maintains an initial material state even under an environment where the fuel cell unit is used and a spacing portion which keeps a constant distance between portions of the two components where the sealant is interposed.

First, regarding Inoue '042, this reference discloses sealant that hardens while charging, separators which are supported only by MEA, and separators which are not bonded to each other.

Comparing the present application with the teachings of Inoue '042, one difference is that the sealant of the present application does not harden. Therefore, if the sealant of the present application were used in Inoue '042, the MEA would over compress due to the deformation of the sealant (because of the load applied for clamping would transfer to the sealant).

Further, in contrast to the present application, Inoue '042 does not disclose a spacing portion. Suenaga and Inoue '485 do not cure these deficiencies. For example, Suenaga and Inoue '485 do not disclose a spacing portion or using a sealant that does not harden.

Therefore, Applicants respectfully submit that for at least these reasons, claim 1 and its dependent claims are patentable over the cited references.

III. Conclusion

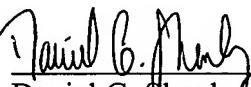
In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Date: June 12, 2007

By:



Daniel G. Shanley
Reg. No. 54,863

KENYON & KENYON LLP
1500 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 220-4200
Facsimile: (202) 220-4201